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January 27, 2014

VIA FAX AND ECF

Hon. Alvin K. Hellerstein  
United States District Court  
for the Southern District of New York  
Room 1050  
United States Courthouse  
500 Pearl Street  
New York, NY 10007  
(212) 805-7942 Fax

Re: *Biosig Instruments, Inc. v. Nautilus, Inc.*, 1:10 Civ. 7722 (AKH)

Dear Your Honor:

The parties write jointly to inform Your Honor that the United States Supreme Court has granted Defendant Nautilus' petition for certiorari on the question of indefiniteness. The parties stand ready to address any questions Your Honor may have regarding this matter.

Plaintiff Biosig remains willing to mediate this dispute. Nautilus proposes that mediation be rescheduled after disposition by the Supreme Court. Alternatively, Nautilus respectfully requests a continuance of the February 20, 2014 mediation conference due to a scheduling conflict on the part of its client representative. Plaintiff Biosig does not oppose this latter request. The parties have met and conferred and jointly propose March 14, 2014 as an alternative date if acceptable for the Court. This is Nautilus' first request for a continuance of the conference. No other scheduled dates would be affected.

Very truly yours,

KESSLER TOPAZ MELTZER & CHECK, LLP

Daniel C. Mulveny

cc: Counsel for all parties via ECF

Judge wrote:

“In view of the grant of certiorari by the U.S. Supreme Court, and the absence of consensus for mediation at the status conference is canceled. The parties shall advise me as to the status of the Mandate of the Court of Appeals.

1-28-14

Alvin K. Hellerstein”